

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JUL 12 2018

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

CR 14-33-M-DWM

Plaintiff,

vs.

ORDER

ALLEN J. RANKIN,

Defendant.

The United States seeks an order authorizing the Bureau of Prisons to release to the Clerk of Court funds held in the inmate trust account for the above defendant to apply to payment for the criminal monetary penalties imposed in this case. (Doc. 59.) The defendant opposes the motion. (Doc. 61.) It is granted.

The defendant pled guilty to wire fraud (Count 1) and aggravated identity theft (Count 2), in violation of 18 U.S.C. §§ 1343, 1028A(a)(1). On April 10, 2015, he was sentenced to 46 months on Count 1 and 24 months consecutively on Count 2, followed by 36 months of supervised release. (Doc. 31.) This Court entered a Judgment for restitution of \$7,049.40 and a special assessment of \$200.00, for a total obligation of \$7,249.40. (*Id.*) Restitution is payable to 11 individuals. (*See id.* at 5.) Records from the Clerk of Court indicate that the defendant has made payments totaling \$75.00, leaving a total balance owed of

\$7,174.40.

The government was recently informed by the United States Marshal's Service that the defendant currently maintains \$13,673.40 in his BOP trust account. The defendant indicated in his response that the funds were received upon his mother's death as life insurance proceeds. (Doc. 61 at 1.) The government seeks authorization for BOP to turn over \$7,174.40 of these funds as payment towards the defendant's outstanding criminal monetary penalties.

Criminal monetary penalties are currently due during the defendant's incarceration at a rate of no less than \$25.00 per quarter. (Doc. 31 at 6.) But, once restitution is ordered, payments may be adjusted in response to changed circumstances. If there is "a material change in the defendant's economic circumstances, . . . the court may . . . adjust the payment schedule, or require immediate payment in full, as the interests of justice require." 18 U.S.C. § 3664(k). Additionally, a defendant's receipt of a windfall during imprisonment triggers an automatic payment requirement: "If a person obligated to provide restitution, or pay a fine, receives substantial resources from any source, including inheritance, settlement, or other judgment, during a period of incarceration, such person shall be required to apply the value of such resources to any restitution or fine still owed." 18 U.S.C.A. § 3664(n).

Accordingly, IT IS ORDERED that the government's motion (Doc. 59) is

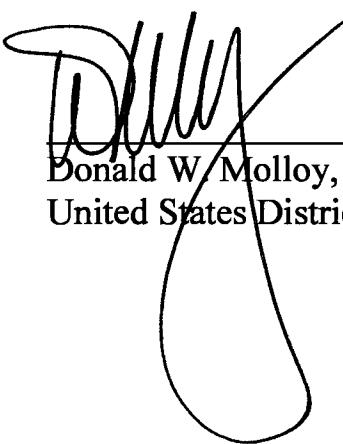
GRANTED. The Bureau of Prisons is authorized to disburse to the Clerk of Court, and the Clerk of Court shall accept, funds in the amount of \$7,174.40 currently held in the inmate trust account for the following inmate:

Allen J. Rankin

Register No: 13448-046

The Clerk shall apply these funds as payment for the criminal monetary penalties owed by the defendant in this case.

DATED this 12 day of July, 2018.


Donald W. Molloy, District Judge
United States District Court

14:23 P.M.